

LEO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

05 JUN -8 PM 5:22

STATE OF OHIO
COUNTY OF OHIO
JANUARY 1900

SUAREZ CORPORATION
INDUSTRIES

Plaintiff,

vs.

RODNEY NAPIER, et al.

Defendants.

Case No. 5:04 CV 1164

JUDGE JOHN R. ADAMS

AGREED ORDER
GRANTING SANCTIONS

Suarez Corporation Industries and Benjamin D. Suarez are hereby

PERMANENTLY ENJOINED from filing any new lawsuit or other document in any Federal Court against Rodney Napier, John Armstrong, PatentHEALTH, LLC, Universal Syndications, Inc., Universal Media Syndicate, and/or the employees, agents or representatives of those entities, without seeking and obtaining leave of Court, in accordance with the following:

(1) Suarez Corporation Industries and/or Benjamin D. Suarez must file a "Motion Pursuant to Court Order Seeking Leave to File" with any document they propose to file, and they must attach a copy of this Agreed Order Granting Sanctions (the "Order") to it, and any such motion should be filed in a miscellaneous case.

(2) As an exhibit to any motion seeking such leave, Suarez Corporation Industries and/or Benjamin D. Suarez must also attach a sworn affidavit certifying that: (i) the document raises a new issue which has never been previously raised by them in this or any other court; (ii) the claim or issue is not frivolous; and (iii) the document is not filed in bad faith.

6-8-05 issued by hand. R.M.H.

(3) By means of a second exhibit, Suarez Corporation Industries and/or Benjamin D. Suarez must identify and list: (i) the full caption of each and every suit previously filed by or on behalf of either of them in any state or federal court against Rodney Napier, John Armstrong, PatentHEALTH, LLC, Universal Syndications, Inc., Universal Media Syndicate and/or the employees, agents and representatives of those entities, or any one or more of them (a list of such actions filed before the date of this Agreed Order Granting Sanctions and their disposition is attached as Exhibit A hereto); and (ii) the full caption of each and every suit which they have currently pending against Rodney Napier, John Armstrong, PatentHEALTH, LLC, Universal Syndications, Inc., Universal Media Syndicate and/or the employees, agents and representatives of those entities, or any one or more of them.

(4) As a third exhibit to the motion, Suarez Corporation Industries and Benjamin D. Suarez must provide a copy of each complaint identified and listed in accordance with the foregoing paragraph 3 and a statement as to their disposition.

(5) The terms of this Order requiring leave of Court shall not apply to a counterclaim or response to a lawsuit or other document in any action originally commenced by Rodney Napier, John Armstrong, PatentHEALTH, LLC, Universal Syndications, Inc., Universal Media Syndicate and/or the employees, agents and representatives of those entities.

The Court shall deny any Motion Pursuant to Court Order Seeking Leave to File submitted by or on behalf of Suarez Corporation Industries and/or Benjamin D. Suarez if it determines that the proposed filing fails to comply with Rule 11 of the Federal Rules of Civil Procedure.

If the motion is denied, the document shall not be filed. Further, the failure of Suarez Corporation Industries and/or Benjamin D. Suarez to comply with the terms of this Order shall constitute sufficient grounds for this Court to deny any motion for leave to file, and may be considered an act of contempt for which they may be punished accordingly.

Additionally, any document submitted by Suarez Corporation Industries and/or Benjamin D. Suarez under the terms of this Order shall not be filed unless it is specifically identified as a "Motion Pursuant to Court Order Seeking Leave to File" and unless it contains: (i) an affidavit as required by this Order; (ii) a copy of this Agreed Order Granting Sanctions; and (iii) the exhibits required by this Agreed Order Granting Sanctions.

IT IS SO ORDERED.

Date: June 8th, 2005


JUDGE JOHN R. ADAMS

Exhibit A

Suarez Corporations Industries, et al. v. Rodney Napier, et al., Case No. 2002 CV 1420 (Stark County Court of Common Pleas, Judge Lioi) – Settled / Dismissed

Suarez Corporation Industries, et al. v. Rodney Napier, et al., Case No. 5:02 CV 1488 (United States District Court for the Northern District of Ohio, Eastern Division, Judge Economus) – Settled / Dismissed

In re: PatentHEALTH, LLC, Case No. 02-63982 (United States Bankruptcy Court, Northern District of Ohio, Eastern Division, Judge Kendig) - Dismissed

Suarez Corporation Industries v. PatentHEALTH, LLC et al., Case No. 5: 04 CV 1164 (United States District Court for the Northern District of Ohio, Eastern Division, Judge Adams) – Settled / Dismissed

Benjamin D. Suarez, et al. v. Rodney Napier et al., Case No. 2004 CV 03615) (Stark County Court of Common Pleas, Judge Haas) – Settled / Dismissed

Suarez Corporation Industries v. PatentHEALTH, LLC, et al., Case No. 2005 CV 1553 (Stark County Court of Common Pleas, Judge Sinclair) – Settled / Dismissed